

18839. Misbranding of butter. U. S. v. Midwest Dairies (Inc.) (Desert Gold Dairies (Inc.)). Plea of guilty. Fine, \$25. (F. & D. 26614. I. S. No. 524.)

Sample cartons of butter from the shipment herein described having been found to contain less than 1 pound net, the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Midwest Dairies (Inc.), a corporation, having a place of business at El Paso, Tex., alleging shipment by said company, trading as the Desert Gold Dairies (Inc.), on or about September 6, 1930, from the State of Texas into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: (Carton) "1 Pound Net Desert Gold Creamery Butter * * * Desert Gold Dairies, Inc."

It was alleged in the information that the article was misbranded in that the statement "1 Pound Net," borne on the carton, was false and misleading in that the said statement represented that each of the said cartons contained 1 pound of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained 1 pound of butter; whereas each of the cartons did not contain 1 pound of the article, but did contain, in each of practically all of the cartons, less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On September 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18840. Adulteration of shell eggs. U. S. v. 172 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27142. I. S. No. 36509. S. No. 5124.)

Samples of eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 172 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Herbert Schultz and Ervin Kroening, from Springfield, Minn., July 30, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 5, 1931, Karsten & Sons, Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reselected under the supervision of this department, and should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18841. Adulteration and misbranding of canned salmon. U. S. v. 180 Cases, et al., of Canned Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 25157. I. S. Nos. 1181, 1182. S. No. 3426.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 19, 1930, and June 17, 1931, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 203 cases of canned pink salmon, remaining in the original unbroken packages at Seattle, Wash., alleging

that the article had been shipped from Cordova, Alaska, by the Cordova Packing Co., into the State of Washington, arriving at Seattle, Wash., on or about July 24, 1930, and charging adulteration and misbranding in violation of the food and drugs act. The cases containing the article were labeled in part: "Col. River."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

Misbranding was alleged for the reason that the designation on the cases, "Col. River," was false and misleading and deceived and misled the purchaser when applied to salmon packed in Alaska.

On June 2 and September 25, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18842. Adulteration of canned blackberries. U. S. v. 1,095 Cases, et al., of Canned Blackberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26136, 26137, 26138. I. S. Nos. 12240, 21772, 21812. S. No. 4341.)

Samples of canned blackberries from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On March 30 and March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,635 cases of canned blackberries, remaining in the original unbroken packages at Denver, Colo., consigned by C. D. Minton (Inc.), Forest Grove, Oreg., alleging that the article had been shipped from Forest Grove, Oreg., in part on or about September 4, 1930, and in part on or about December 30, 1930, and had been transported from the State of Oregon into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Minton's Blackberries. Packed by C. D. Minton, Inc., Forest Grove, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18843. Adulteration and misbranding of meat meal. U. S. v. Mutual Rendering Co. (Inc.). Plea of guilty. Fine, \$250. (F. & D. No. 25727. I. S. No. 028312.)

Samples of meat meal having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mutual Rendering Co. (Inc.), a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about April 1, 1930, from the State of Pennsylvania into the State of New Jersey, of a quantity of meat meal which was adulterated and misbranded. The article was labeled in part: "100 Lbs. 55% Mureco Meat Meal Guaranteed Analysis Protein Min. 55% * * * Manufactured by Mutual Rendering Co., Philadelphia, Pa."

It was alleged in the information that the article was adulterated in that a substance, meat meal containing less than 55 per cent of protein, had been substituted for meat meal containing not less than 55 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "55% Mureco Meat Meal, Guaranteed Analysis Protein Min. 55%," borne on the bags containing the article, were false and misleading in that the said statements represented that the article contained not less than 55 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it contained less than 55 per cent of protein.

On September 29, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

ARTHUR M. HYDE, *Secretary of Agriculture.*